

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re

Chapter 11

BLUE DOG AT 399 INC.,

Case No. 15-10694-mew

Debtor.

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BLUE DOG AT 399 INC.,

Plaintiff,

Adv. Pro. No. 19-01029-mew

-against-

SEYFARTH SHAW, LLP and  
RALPH BERMAN,

Defendants.

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**ORDER DENYING  
MOTION TO DISMISS ADVERSARY PROCEEDING**

Upon consideration of the *Amended Complaint against all Defendants* filed by the Plaintiff in the above-captioned adversary proceeding (the “**Adversary Proceeding**”) [Dkt. No. 10]; and upon consideration of the *Defendants’ Motion for Dismissal of the Adversary Proceeding Pursuant to Bankruptcy Rule 7012(b) and Federal Rule 12(b)(6)* [Dkt. No. 12] (the “**Motion**”), the *Plaintiff’s Brief in Opposition to Motion to Dismiss* [Dkt. No. 14], and the *Defendants’ Reply in Support of the Motion for Dismissal of Adversary Proceeding Pursuant to Bankruptcy Rule 7012(b) and Federal Rule 12(b)(6)* [Dkt. No. 15]; and it appearing that this Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that proper and adequate notice of the Motion has been given and that no other or further notice is

necessary; and upon consideration of the arguments presented at the hearing held on July 30, 2019 to consider the Motion (the “**Hearing**”); and after due deliberation; it is hereby

**ORDERED ADJUDGED, AND DECREED THAT:**

1. For the reasons stated on the record at the Hearing, the Motion is **DENIED**.
2. The parties are directed to negotiate a proposed schedule by which the Adversary Proceeding shall proceed (including applicable discovery deadlines) and provide such proposal to the Court no later than August 9, 2019.

Dated: July 30, 2019  
New York, New York

s/Michael E. Wiles  
HONORABLE MICHAEL E. WILES  
UNITED STATES BANKRUPTCY JUDGE